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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 PAMELA ANNENBERG,
13 Individually,

14 Plaintiff,

15 vs.

16 CLARK COUNTY SCHOOL DISTRICT,
17 a Nevada political entity;
18 DOES 1-10, inclusive; ROE
19 CORPORATIONS 1-10, inclusive,

20 Defendants.

21 **COMPLAINT**
22 **Jury Trial Demanded**

23 COMES NOW, the Plaintiff, PAMELA ANNENBERG, by and through her
24 undersigned counsel, KIRK T. KENNEDY, ESQ., who files this Complaint against the
25 Defendant and would allege as follows:

26 1. Plaintiff, PAMELA ANNENBERG, is a resident of Clark County, Nevada and did so
27 reside herein during all events complained of in this action.

28 2. Defendant, CLARK COUNTY SCHOOL DISTRICT, is a Nevada political entity
which did so operate herein during all events complained of in this action.

3. Defendant named herein is an employer within the jurisdictional coverage of the
Americans with Disabilities Act and under Nevada's anti-discrimination statutes.

4. Plaintiff is unaware of the true names and capacities of defendants sued herein as Does
1-10 and Roe Corporations 1-10, and will amend her complaint to show their true names
and capacities when the same are ascertained. Plaintiff is informed and believes and

1 thereon alleges that each of these fictitiously named defendants is responsible in some
2 manner for the occurrences herein alleged, and that Plaintiff's injuries as herein alleged
3 were proximately caused by the aforementioned defendants. Plaintiff is further informed
4 and believes and thereon alleges that at all times herein mentioned each and every
5 defendant was the agent and employee of the remaining defendants and, in doing the
6 things hereinafter alleged, was acting within the course and scope of such agency and
7 employment. Each defendant, in doing the acts alleged herein, was acting with the
8 consent, permission and authorization of each of the remaining defendants.

9 5. Plaintiff timely submitted a charge of discrimination with the Equal Employment
10 Opportunity Commission(487-2016-00956). The Equal Employment Opportunity
11 Commission assumed jurisdiction over Plaintiff's charge and notice of the charge was
12 served upon the Defendant per statutory requirements.

13 6. On or about September 30, 2017, Plaintiff received a "notice of right to sue" letter
14 which was issued from the Equal Employment Opportunity Commission.

15 7. Both jurisdiction and venue are appropriate as all events occurred in Clark County,
16 Nevada; the Defendant operates in Nevada; and jurisdiction is predicated upon a federal
17 cause of action under the Americans with Disabilities Act (ADA) and the Age
18 Discrimination in Employment Act.

19 8. Plaintiff, a female age 66, has been an employee of the Defendant from November,
20 1998, to the present, wherein she is employed as a Special Education Teacher at the
21 Defendant's El Dorado High School in Las Vegas, Nevada.

22 9. During the relevant times stated herein, Plaintiff suffers from various diagnosed
23 medical conditions, which are physical disabilities under ADA based standards, however,
24 the Plaintiff can perform the essential functions of her position and has remained
25 qualified for her position with the Defendant subject to a reasonable accommodation.

26 10. Plaintiff endured various forms of discriminatory conduct based on her disability and
27 age from the Defendant, which consisted of unfair criticisms by her supervisors, the
28 interference with the implementation of her ADA based accommodations; unfair negative
evaluations and reviews; unequal treatment, disparate treatment as opposed to other

1 similarly situated employees of the Defendant; the denial of various workplace rights and
2 protections by the Defendant; retaliatory conduct directed at the Plaintiff and other
3 adverse conduct in violation of the ADA, the Age Discrimination in Employment Act and
4 federal law.

5 11. The adverse treatment directed at Plaintiff by the Defendant includes, but is not
6 limited to:

- 7 a. The Defendant failing to adequately implement the ADA based approved
8 accommodations for the Plaintiff;
- 9 b. The Defendant's agents interfering with and denying the implementation of Plaintiff's
10 ADA based accommodations for her disabilities;
- 11 c. The Defendant engaging in conduct to criticize, chastize and demean Plaintiff based
12 on her disability condition, in a harassing, hostile and adverse manner;
- 13 d. Plaintiff's supervisors, Jennifer Ludtke and David Wilson, among others, engaging in
14 openly harassing, hostile and adverse conduct directed against Plaintiff based on her
15 disability condition and her over 40 age category, said conduct including the unreasonable
16 interference with Plaintiff's approved ADA accommodations; implementing unfounded
17 disciplinary based actions; attempting to remove Plaintiff from her work location without
18 her approval or consent and/or in derogation to the Defendant's policies; creating and
19 using unfounded negative employee evaluations against the Plaintiff, which were not
20 based on fact or evidence; failing, refusing and/or blocking Plaintiff's promotion or
21 acceptance of an alternate teaching position; and engaging in other conduct in derogation
22 to the ADA and the Age Discrimination in Employment Act;
- 23 e. The Defendant's agents engaging in adverse and retaliatory conduct against the
24 Plaintiff in derogation to state and federal law and premised upon Plaintiff's exercise of
25 her rights under the ADA and the ADEA; and other conduct.

26 12. Defendant and its agents have failed to protect Plaintiff from harm caused by the
27 discriminatory conduct noted herein, despite being on notice of the wrongful conduct.

28 13. Plaintiff has suffered harm and damages as a result of Defendant's conduct as set
forth herein in an amount according to proof at trial.

FIRST CLAIM FOR RELIEF

**VIOLATION OF THE AMERICANS WITH DISABILITIES ACT, THE AGE
DISCRIMINATION IN EMPLOYMENT ACT AND NEVADA LAW**

14. Plaintiff realleges, readopts and reincorporates the allegations contained in paragraphs 1 through 13 as though fully set forth herein.

15. Plaintiff, a female age 66, with documented disability conditions acknowledged by the Defendants, has been subjected to regular and frequent acts of discrimination, harassment, retaliation, threats and unequal treatment in an overall hostile work environment, as a result of conduct and actions of the Defendant and its agents, said conduct in violation of the Americans with Disabilities Act, the Age Discrimination in Employment Act and Nevada state law. This conduct includes, *but is not limited to*, Plaintiff suffering disability and age based harassment and discriminatory conduct from agents of the Defendant, from which the Defendant failed to take any reasonable steps to protect Plaintiff; Plaintiff suffering unequal and disparate treatment as opposed to her co-workers and caused by agents of the Defendant; Plaintiff suffering an overall hostile work environment and harassment caused by actions and conduct of agents of the Defendant; Plaintiff suffering retaliatory conduct by the Defendants; the Defendant interfering with the implementation of Plaintiff's ADA based accommodations, and other harm.

16. The adverse treatment directed at Plaintiff by the Defendant includes, but is not limited to:

- a. The Defendant failing to adequately implement the ADA based approved accommodations for the Plaintiff;
- b. The Defendant's agents interfering with and denying the implementation of Plaintiff's ADA based accommodations for her disabilities;
- c. The Defendant engaging in conduct to criticize, chastize and demean Plaintiff based on her disability condition and age, in a harassing, hostile and adverse manner;
- d. Plaintiff's supervisors, Jennifer Ludtke and David Wilson, among others, engaging in openly harassing, hostile and adverse conduct directed against Plaintiff based on her disability condition and her over 40 age category, said conduct including the unreasonable

1 interference with Plaintiff's approved ADA accommodations; implementing unfounded
2 disciplinary based actions; attempting to remove Plaintiff from her work location without
3 her approval or consent and/or in derogation to the Defendant's policies; creating and
4 using unfounded negative employee evaluations against the Plaintiff, which were not
5 based on fact or evidence; failing, refusing and/or blocking Plaintiff's promotion or
6 acceptance of an alternate teaching position; and engaging in other conduct in derogation
7 to the ADA and the Age Discrimination in Employment Act;

8 e. The Defendant's agents engaging in adverse and retaliatory conduct against the
9 Plaintiff in derogation to state and federal law and premised upon Plaintiff's exercise of
10 her rights under the ADA and the ADEA; and other conduct.

11 17. As a direct and proximate result of the Defendant's actions, Plaintiff suffered harm
12 and damages in an amount according to proof at trial.

13 Furthermore, to the extent that the Defendant's conduct was malicious and
14 oppressive in form, Plaintiff seeks an award of punitive damages in an amount sufficient
15 to punish and deter the Defendant to be determined according to proof at trial.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays for judgment against the Defendant as follows:

- 18 1. For compensatory damages, including, but not limited to, future pecuniary losses,
19 physical and emotional pain and suffering, physical discomfort, inconvenience, mental
20 anguish and loss of enjoyment of life in a sum according to proof at trial.
21 2. For punitive and exemplary damages according to proof at trial.
22 3. For back pay and front pay, if appropriate, according to proof.
23 4. For loss of employment related benefits, if appropriate, including health care and
24 retirement, according to proof.
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- 1 5. For reasonable attorney's fees incurred herein.
- 2 6. For costs of suit and prejudgment interest.
- 3 7. For such other and further relief deemed appropriate by this Court.

4 Dated this 20th day of December, 2017.

5 /s/Kirk T. Kennedy
6 KIRK T. KENNEDY, ESQ.
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10 (702) 385-5534
11 Attorney for Plaintiff
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13 **JURY TRIAL DEMAND**

14 Pursuant to FRCP 38, Plaintiff does hereby demand a trial by
15 jury of all issues and claims raised in this Complaint.

16 Dated this 20th day of December, 2017.

17
18 /s/Kirk T. Kennedy
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